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HE WAS AN OUTLAW

The western prairies were in a state of flux when Mr. Cashel hove into sight in 1902. The province of Alberta, as such, had not been born. Land was being settled in all directions, railways waxing fat on a terrific influx of settlers and effects.

The land seekers came to the fertile plains from all directions, including large numbers from south of the border. The newcomers, were of necessity a mixed crowd, and in the mixture was Ernest Cashel, a slim, unimpressive young man with a head continually spinning -- in the wrong direction.

Cashel certainly was no movie version of the western outlaw. But he was aggressive, and prior to his debut in Calgary had case-hardened his conscience by graduating from a year's term in prison.

He crossed the Canadian border with throttle wide open and a battalion of American sheriffs of several states not far behind.

By trade Cashel was a barber. By inclination he was definitely a crook and a killer. By his own word, backed by a ten-gallon hat, he was a cowhand looking for work, though much preferring a deck of cards to branding iron or mowing machine.

Cashel did secure a job for a short time with John Phelan at Shepard. But the novelty of making a living by such unusual methods soon wore off.

Money being scarce, Cashel cashed a pure "rubber" cheque at the T. A. Hatfield Calgary store one day shortly after his arrival in the country. The merchant remembered Cashel. Police soon swore out a warrant for his arrest. But the young forger had disappeared.

Putting two and two together, the mounted police, having been called in, in turn sent a constable to a farm near Red Deer where the wanted man's mother resided. Cashel was picked up, brought to the town and turned over to Chief of Police English from Calgary. That appeared to be the close of the Cashel case. Actually it was hardly the start.

The train with Cashel and an officer aboard snorted and shunted its way toward Calgary as trains of the era were wont to do. It was a pleasant day, the law was satisfied and the little crook busy planning.

Enroute he was allowed to visit the wash room. The officer sat nearby, momentarily lost in the beauty of the autumn landscape. Suddenly recalling he had a prisoner to account for he went to the door. It was locked from the inside.

Grabbing the nearest fire axe, entrance was soon forced, but an open window provided mute evidence that the resourceful young Cashel had made a neat getaway. The officer, however, retained his coat and vest as evidence of a bungled business.

The escape resulted in widespread descriptions of the barbering bandit, and at last came word.

It appeared a rancher near Lacombe supplied a young man with a coat and a vest and a horse. Everything, including the man, thought to be Cashel, had vanished. The rancher decided he had been swindled. So did police as they grudgefully chalked up another success to Cashel and then tightened up the man hunt.

Weeks stretched into months and still no Cashel. He was seen here and there, momentarily. Police would arrive too late. Newspapers were making a big "play" of the elusive Cashel. Officers were irritated and getting more so. Headquarters at Regina took up the cue and, in common parlance, told the hard-worked force in Alberta to "turn on the heat."

Around Lacombe, however, there were suspicions the wanted party was not far away. He had been seen some time previous at Pleasant Valley, on the Red Deer river and was presumed to be the guest of one, Rufus (I. R.) Belt. A neighbor of Belt's, by the name of A. N. Thomas recalled that a young man who gave his name as Ellsworth had been about. And Ellsworth, as the police well knew, was one of Cashel's aliases. The logical step would be to question Belt.

This was much easier said than done, for when police arrived at the Belt holdings there was no Belt, no Cashel and very little to work on. There was, however, more mystery.

Belt had not been seen, neighbors recalled, since the visit of the young man presumed to be Cashel or Ellsworth or whatever name he might be using at the moment.

Furthermore Belt was a quiet, orderly individual of 60 years, methodical in his habits and not one of leave with the house wide open in November. Nor was he likely to pull up stakes so suddenly as to leave a full bucket of water on the trail leading to the Red Deer river, 200 yards from his cabin.

Along with the dual disappearing act, investigation showed such sizeable items as a pony and new saddle also missing. The saddle was penciled with the name "I. R. Belt". Then there were certain items of clothing, blankets and tools from an open box to be accounted for.

Nearby residents also recalled that Belt carried a considerable sum of money on his person, including a $50 American certificate. Here, they thought, were the makings of a prime murder set-up. Police were reasonably sure they were correct.

In less time than required for the telling the police net was thrown over all Alberta. Constable J. Macleod, N.W.M.P. assigned to the case from Red Deer soon picked up promising trails.

Two days after checking over the Belt cabin, the constable located the saddle of the horse stolen from the Lacombe farmer in nearby Pleasant Valley. Cashel had sold it there on November 1. The buyer recalled the young man had been packing a rifle and revolver and appeared anxious to find the shortest and least travelled route to the U. S. Border.

All settlers and ranchers were warned to watch for the young desperado but as days again stretched into weeks, official

circles became more irritated. Mounted police sent out their ace sleuth Corporal Pennycuick, to try and overtake Cashel.

By this time December had clamped an icy fist over the west, and travel, let alone investigation, was badly hampered by severe storms. Pennycuick, after prowling around the Belt place came to Calgary, feeling decidedly low.

In the interim Chief English at Calgary had been doing some work on the case. He ascertained that a party whose description was at least similar to that of Cashel had left a tired horse at Shepard but had taken the saddle along. Discussing this with Pennycuick brought to light the fact that Cashel had passed one of his now famous "no account" cheques at Shepard.

The chief had traced the suspect from the billage to Calgary where a ticket had been purchased for the coast. The next train west carried Pennycuick, hot on the trail of someone at least like Cashel.

The records tell how the hunt went to Vancouver where inquiries showed the man, easily identified by the saddle he carried with him, had left for Seattle only a couple hours before Mr. Pennycuick's arrival on Pacific shores. From Seattle the saddle was traced to Portland, Oregon, where a hotel register showed the party was using the name "B. Nail, Moose Jaw". And Mr. Nail, had left the previous day for a place called Princeville.

In due course the sheriff at Princeville was contacted by wire. His reply looked like the end of the chase and Cashel. For Mr. Nail was in the town bastille.

His face was similar to Cashel's, his clothing tallied in a way, but age and height were definitely at a difference. Furthermore Nail was as silent as the tombs, but he nearly elevated out of his boots when the long list of charges were presented to him.

Finally he told all. He was not Cashel. He was not a murderer, nor a thief, nor a forger. He was a ranch hand of the Calgary district who had suffered some "woman trouble", as he put it, and was seeking escape from the irate female by roundabout routes.

Though it was Christmas time, Pennycuick returned to Alberta far from being in the merry mood of the season.

Two weeks passed and then again Cashel sort of popped from a snowbank. A Jumping Pound rancher reported a Mr. Ellsworth had borrowed a horse to recover his own which had run away. The rancher was able to give a fairly complete description of the hunted man.

Then, Pennycuick found, none other than Nick Carter in person had appeared on the Indian reserve at Shagnappi. Mr. Carter of the dime novel fame, had arrived in a two-wheeled rig more than a month before. He had a .44 revolver. More important, Mr. Carter had managed to get a half-breed to buy some ammunition and clothing in Calgary. And he had given a $50 American bill to pay for the articles.

The chase again was warming up. Police found Cashel had changed part of his clothing here and there, stolen the horse mentioned from Jumping Pound and taken a diamond ring from a woman living

near Kananaskis. The detachment at Banff was ordered to check up on everyone in sight. The country around Canmore was scoured until finally Cashel was located, surprised and captured. There was no struggle. He appeared quite pleased at having managed to elude the law for three months. The Mounties were still sore from the chaffing attributable to Cashel, alias Ellsworth, alias Nick Carter.

Actually it was the astuteness of W. L. McDonald, station master at the little town of Anthracite, west of Calgary, who was responsible for the capture.

The west-bound train had just left when a young chap walked into the station and cashed a cheque. McDonald was suspicious for the visitor looked like Cashel. He made further inquiries, found out the stranger was living at a nearby boarding house and immediately notified police at Banff.

Arraigned at Calgary on theft charges, Cashel on May 14, 1903, was sentenced to three years in jail.

He was quite composed when the term was pronounced. At the same time, Pennycuick, with true bloodhound instincts was busy -- at the Rufus Belt farm and in adjacent territory.

Pennycuick, in brief, gathered sufficient evidence regarding the disappearance of Belt and the part Cashel played in it to send the latter to Hades several times over.

Neighbors, including Belt's distant relative Thomas, by photos recognized Cashel as the Ellsworth who had paid the recluse the

impromptu visit months before. A rancher recalled Cashel riding Belt's pony. Another was located who had sold him the two wheeled rig in which, as Nick Carter, he invaded the Indian reserve in the foothills. Cashel had exchanged $10 cash, a new saddle and bridle and pair of spurs for the outfit.

The saddle had the Belt monogram on it. Pennycuick now had the saddle and all the evidence required except the mortal remains of the missing Belt. And murder is virtually impossible to prove without having some direct evidence of the victim. But Pennycuick was a determined man.

It is a matter of actual record that he, assisted by a mountie grubbed in every sand bar, brush pile and tributary along the Red Deer for three weeks. The pair covered almost 400 miles in all kinds of weather -- and still they could not locate the lost corpse.

June passed, snow had disappeared and still no body, while in the Calgary jail house Cashel was growing increasingly confident and the persistent Pennycuick an object of some public comment.

Then came the "break". On July 23 a settler found a body washed ashore opposite the mouth of Haynes Creek emptying into the Red Deer.

It was an unusual body, in a way, for though badly decomposed it was nude except for socks and boots. There were marks of a wound in the chest and there were identifying signs that the remains were those of Belt.

The boot on one foot had a steel clamp on it. The big toe of the left foot was twisted under the second due to an axe wound -- and there was ample circumstantial evidence to persuade Pennycuick he had an air tight case.

Cashel, much of his composure evaporated, came to trial on October 19, 1903, before Hon. A. L. Sifton and jury. He was defended by Alberta's all-time great criminal lawyer P. J. "Paddy" Nolan.

For more than a week Cashel listened to the evidence. He sat in the dock, pale and with furrowed brow. Pennycuick had so few weak links in his chain that after 35 minutes the jury returned to the trial chamber.

Cashel carefully scanned each face and read his fate. In reply to the judge, "have you anything to say," he observed, "Nothing, except that I ain't guilty."

He was sentenced to be hanged December 15, and the men who always got their man carved another niche in their records and marked the case closed, except for the actual execution.

Cashel's day of doom was approaching when a brother, John, arrived from the U. S. He was a likeable sort of citizen.

In company with Rev. Dr. George Kerby, venerable head of Mount Royal College at Calgary, the brother and clergyman were allowed to enter the cell. All the while, however, the two officers guarding Cashel kept careful watch.

Time rolled on, Cashel had a week left to live. On December 10

the brother John paid his usual visit. Shortly after the erring Ernest walked out of jail. It was not quite as easy as that, however. The official version from police records says:

"On the afternoon of December 10, John Cashel paid another of his usual visits and at the time Rev. George (now Dr.) Kerby was in the cell. From what has transpired this is what occurred:

"At one end of the cell was Ernest Cashel, in the middle the clergyman and at the end the constable who was the death watch. The provost and two constables were in the room facing the cell.

"John Cashel came in, and, in direct violation of the orders governing his visits, walked to his brother's cell and stood talking to him with his hands on the bars. While this conversation was going on Rev. Mr. Kerby wished to l ave and the provost decided to change the death watch. One of the constables went to the front door to open it for Mr. Kerby.

"While Mr. Kerby and the death watch were leaving the cell and had their backs turned on the two brothers, the provost and relieving watch were in the corridor on each side of the cell door to let them pass out, so that for a few seconds at least, no one could see what was taking place. It was at this critical moment that John Cashel passed his brother two revolvers.

"Nothing further happened until between 6 and 6:30 that evening, when the provost and day guard commenced to make preparations for the handing over to the night guard. Part of the preparation consisted of searching the prisoner and seeing he was safe in his cell for the night.

"At that time the provost had one constable in the front part of the guard room and the death-cell watch in the cell. The latter was unarmed. The provost unloaded his revolver before entering Cashel's cell for fear it might be snatched from him by the prisoner. Thus only one guard was armed.

"Entering the cell the provost directed the death watch to take Cashel into the prison dining room and, after checking over the blankets and cell itself, ordered Cashel back to be searched.

"The prisoner walked toward the door where the provost stood and suddenly drew two revolvers from his trouser pocket. He covered the two unarmed constables. The armed constable hearing some noise, foolishly walked up to the grating without drawing his revolver and was told to put up his hands. Cashel was now in position to cover all three at once.

"From testimony of all other prisoners who were eye-witnesses to the affair, the provost made several attempts to close with Cashel and delay him. But he was to a certain extent helpless. The armed constable could have saved the situation but lacked presence of mind.

"He and the provost were made to undo their belts and drop their arms to the floor. The three constables were ordered into the cell and locked up while the prisoner went to the provost's desk, got the keys and walked out. The night guard coming on duty 10 minutes later gave the alarm."

With the parting word, "I don't want to shoot you but I'm in a bad way," Cashel disappeared into the December blizzard and for

the next 40 days the country hummed and buzzed while the greatest man-hunt in the history of the west got under way.

The mounted police brought reinforcements from all their posts with a man to spare. Settlers looked to their shooting irons. Doors were barred and housewives jittery. "Nick Carter" Cashel was on the loose again.

But Mr. Cashel, despite his repose in the death cell, soon came back to form. On December 15, the day fixed for his death, he entered a ranch home a few miles from Calgary, stole clothing and a diamond ring and left an I. O. U. for $1000 signed "Ernest Cashel".

As is always the case, rumor bred rumor with result that the elusive Mr. Cashel was reported one day in Cochrane, or Calgary or some other place simultaneously. The police attempted to run down rumors of his appearance at Morley west of Calgary, at Penoka 100 miles north, and at Gleichen 60 miles east. Montana borders were an armed camp.

And all the while there were developments coming to light indicating that Cashel was not far from Calgary. Some unofficial reports later had it that as police scoured far and wide, Cashel watched them from a hideout in the bush on the north bank of the Bow, well within city limits.

While all this was going on a drab soul arrived from Ottawa -- Executioner Radcliffe. He continued to hang about while Cashel continued at large.

With Christmas approaching Cashel sent a note to the mounted police, indirectly, in which he "kidded" the scarlet riders, reminded them he would not be taken alive, mentioned he intended to remain in Calgary "for some time yet" and suggested they "just tell Mr. Radcliffe he might as well go back to Ottawa, Ont. -- and take his scaffold with him."

This did not help salve the ruffled temper of officers and the hunt was pressed even harder.

On January 21 John Cashel was found guilty of aiding his brother's escape. Sentence deferred to January 25. Police became busier than ever.

In order to keep their movements from being public property the police asked newspapers to refrain from detailed reports of the hunt. Then they swore in about two dozen deputies at Calgary and on a Sunday morning this posse set out to find Cashel, once and for all. Inspector Arthur Dufus was in charge.

The force crossed Nose Creek and from there on undertook a minute search of all houses and haystacks. At a ranch layout the hired hands told police that a man with whiskers was sleeping in a stack. They did not think it was Cashel, but to go ahead and have a look.

At first glance the stack appeared as all others -- but it was different. Officers found a hole burrowed in it. In the straw they unearthed a military cloak and other clothing stolen by Cashel during his December raids. This discovery was on the Pitman ranch at 11:30 on the morning of January 24. Near the straw-pile was a ranch hands' shack apparently deserted. Two officers

entered. They found the room empty.

There was a trap door leading to the cellar. A constable dropped his weapon and let himself into the gloom. Suddenly, with flash and roar a bullet zinged past his head. The officer came through the trap door like a jack-in-the-box, grabbed his gun and let fly. The other men surrounded the shack.
Inspector Dufus ordered Cashel to come out, with his hands up. Silence answered.

Dufus decided to burn the building and when flames and smoke were circulating nicely, again ordered the trapped killer out.

Cashel growled, "I am not coming out. I am going to kill myself." Bang! There was silence except for the crackle of the fire.

Police in the grand finale, were again on a limb. Was Cashel dead or was it another smart bluff?

Once more Dufus called to him to come out. This time there was action. Covered by a half dozen rifles, a weird looking creature crawled from the murky cellar. It was Cashel with long tangled hair and whiskers and the observation, "I am sick of the whole business."

Cashel was taken back to jail. His brother was sentenced to a year in prison. Confession of the murder of Rufus Belt was duly recorded and on February 2, 1904, he hurtled through the scaffold, his nerve still unbroken.

Hangman Radcliffe, despite Cashel's suggestion, had not gone home.